



2010-337-C

226 303
226 304

October 7, 2010

RE: Ernest Communications, Inc., FEIN 3, Docket 2001-447-C
Missing Annual SC USF Return and Sept 29, 2010 Petition of the Office of Regulatory
Staff for Show Cause Proceedings

Dear Honorable Commissioners c/o Robert Sutherland,

The purpose of this letter is to notify you that we have received the Sept 29, 2010 Petition of the Office of Regulatory Staff for Show Cause Proceedings. The report is attached. The report was missed because we changed tax preparation firms and the previous tax preparer was supposed to file this return. We deeply apologize for the oversight and the hassle this has caused your staff. Attached is a letter we sent to all Agencies on the tax preparer change.

We respectfully request that you restore our Company to good standing with the Commission.

Please do not hesitate to contact Mark Lammert CPA at 407-260-1011 if you have any questions or concerns.

Sincerely,

Paul Masters
President
Ernest Communications, Inc

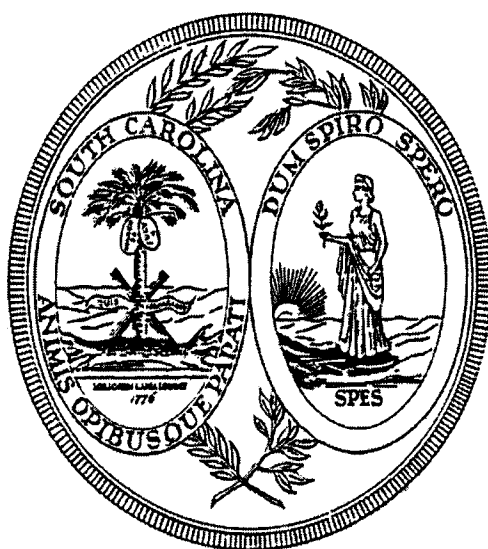
cc: Mark Lammert, Compliance Solutions, Inc.

MAILED
10/10/10

(C)

2010 South Carolina Universal Service Fund Contribution Worksheet
Revenues for Year Ending 12/31/2009

Ernest Communications, Inc.
Name of Company



Form must be completed and returned by July 1, 2010 to:

South Carolina Office of Regulatory Staff
Universal Service Fund Administrator
1401 Main Street, Suite 900
Columbia, SC 29201

<i>For ORS Use Only</i>
USF FORM
Entered:



CORPORATION SERVICE COMPANY

Notice of Service of Process

WCE / ALL
Transmittal Number: 8066685
Date Processed: 10/05/2010

Primary Contact: Mark G Lammert
Compliance Solutions Inc.
740 Florida Central Parkway
Suite 2028
Longwood, FL 32750

Entity:	Ernest Communications, Inc. Entity ID Number
Entity Served:	Ernest Communications, Inc.
Title of Action:	Petition of the Office of Regulatory Staff for Commission to Order a Rule to Show Cause as to Why The Certificates of Public Convenience and Necessity for Certain Providers of Telecommunications
Document(s) Type:	Petition
Nature of Action:	Other
Court:	Public Service Commission, South Carolina
Case Number:	N/A
Jurisdiction Served:	South Carolina
Date Served on CSC:	10/04/2010
Answer or Appearance Due:	Other N/A
Originally Served On:	CSC
How Served:	Regular Mail
Sender Information:	C. Lessie Hammonds 803-737-0803

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
CSC is SAS70 Type II certified for its Litigation Management System.
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | sop@cscinfo.com

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. 2010-____-C

September 29, 2010

IN RE: Petition of the Office of Regulatory)	
Staff for Commission to Order a)	PETITION OF THE OFFICE OF
Rule to Show Cause as to Why)	REGULATORY STAFF FOR A RULE TO
The Certificates of)	SHOW CAUSE AS TO WHY
Public Convenience and)	CERTIFICATES OF PUBLIC
Necessity for Certain Providers of)	CONVENIENCE AND NECESSITY
Telecommunications Services)	SHOULD NOT BE REVOKED
Should Not be Revoked)	

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission that:

1. The Public Service Commission of South Carolina ("the Commission") is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina. Further, the Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. §58-9-10 et seq. (Supp. 2009).
2. The South Carolina Office of Regulatory Staff ("ORS") is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, et seq. (Supp. 2009).
3. The Telecommunications Companies ("Telephone Companies") listed in Exhibit A are certificated "telephone utilities" as defined in S.C. Code Ann. §58-9-10(6) (1976) in that they are persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of

intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones.

4. The Telecommunications Companies listed in Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-9-710 et seq. (1976 & Supp. 2009). Further, these Telecommunications Companies have submitted themselves to the jurisdiction of the Commission by their holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A.

5. The Telecommunications Companies listed in Exhibit A, upon receiving their Certificates of Public Convenience and Necessity, were found to possess the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. §58-9-280(B)(1) (Supp. 2009).

6. ORS has the responsibility to ensure that telephone utilities are filing certain reports. "Subject to the approval of the Commission, the Office of Regulatory Staff may require any telephone utility to file annual reports in such form and of such content as the Office of Regulatory Staff may require and special reports concerning any matter about which the Office of Regulatory Staff is authorized to inquire or to keep itself informed or which it is required to enforce." S.C. Code Ann. § 58-9-370(A) (Supp. 2009).

7. The Universal Service Fund ("USF") is administered by the ORS under guidelines adopted by the Commission. S.C. Code Ann. § 58-9-280(E) (Supp. 2009).

8. The Commission USF guidelines approved in Order No. 2001-996, requires each carrier to file on an annual basis the information necessary to allow ORS to calculate the carrier's contribution. The annual filing referred to as the Universal Service Fund Contribution Worksheet ("USF Report").

9. The Telecommunications Companies listed in Exhibit A have failed to file annual USF Reports for the year ending 2009.

10. Pursuant to 26 S.C. Code Regs 103-830.B.1, "if a person other than the petitioner is named in a petition for a declaratory order or in a petition for a rule to show cause, the Chief Clerk shall cause a copy of the petition to be mailed to such named person within 14 days of the filing of the petition." In order to assist the Commission in serving this Petition on the Respondents, the Office of Regulatory Staff has provided information in Exhibit A as to the status of each Telecommunications Company and whether the entity is a foreign or domestic business entity. S.C. Code Ann. §§ 15-9-210, 240, 245 (1976), set forth the procedures for serving foreign and domestic business entities.

11. The information for the business entities listed in Exhibit A accurately reflects the information on file with the South Carolina Secretary of State. See Exhibit B, Affidavit of Thomas H. Allen.

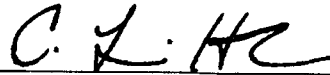
12. "Each telephone utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commission and every direction, rule or regulation made or prescribed by the Office of Regulatory Staff in the performance ... or in relation to any other matter in any way relating to or affecting the business of such telephone utility and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees." S.C. Code Ann. § 58-9-390 (Supp. 2009).

13. Pursuant to S.C. Code Ann. §58-9-1120 (Supp. 2009), "the Commission may ... conduct such other hearings as may be required in the administration of the powers and duties

conferred by Articles 1 through 13 of this chapter and by other laws relating to telephone utilities.”

WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Enter an order establishing a Rule to Show Cause instituting a formal proceeding against the persons and business entities listed in Exhibit A.
2. For the persons and business entities listed in Exhibit A, pursuant to 26 S.C. Code Regs. 103-830.B.1, cause a copy of this petition to be served upon such named respondents or other proper person or entity within 14 days of the filing of the petition.
3. Require the parties to submit an Answer to this Petition within the deadlines prescribed by the Commission’s rules and regulations.
4. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate pursuant to S.C. Code Ann. §58-9-820 (Supp. 2009).
5. Pursuant to 26 S.C. Code Regs 103-846.C, take judicial notice of the Commission’s records in that the required USF Reports for the year ending 2009 have not been filed for the Telecommunications Companies listed in Exhibit A.
6. Find that the Telecommunication Companies listed in Exhibit A have not complied with orders, decisions, directions, rules and regulations made or prescribed by the Commission.
7. Enter a final order canceling the Certificates of Public Convenience and Necessity held by the carriers listed in Exhibit A.
8. For other appropriate action which the Commission may deem necessary.



C. Lessie Hammonds, Esquire

South Carolina Office of Regulatory Staff

1401 Main Street, Suite 900

Columbia, South Carolina 29201

Phone: (803) 737-0803

Fax: (803) 737-0895

Email: lhammon@regstaff.sc.gov

September 29, 2010

Columbia, South Carolina

OUT OF COMPLIANCE RTSC
DOCKET No. 2010-____-C

EXHIBIT A

#	Organization Name	Registered Agent	Secretary of State status	Foreign or Domestic	Docket #	Order #	Date Certificate Issued
1	Andiamo Telecom, L.L.C. Joseph M. Rao--General Manager 10575 N. 114th, Suite 103 Scottsdale, AZ 85259	Business Filings International 2 Office Park Court, Suite 103 Columbia, SC 29223	Good Standing	Foreign	2004-252-C	2005-75	02/10/05
2	Comcast Business Communications, LLC Richard Wolfe--Senior Director 600 Galleria Parkway Atlanta, GA 30339	C T Corporation System 2 Office Park Court, Suite 103 Columbia, SC 29223	Good Standing	Foreign	1998-148-C	1998-579	07/28/98
3	Ernest Communications, Inc. Paul Masters 5275 Triangle Pkwy, Suite 150 Norcross, GA 30092	Corporation Service Company 1703 Laurel St. Columbia, SC 29201	Reinstatement	Foreign	2001-447-C	2002-90	02/06/02
4	Genesis Telecommunications Company, LLC Ken Jefferson--President PO Box 675 Greenwood, SC 29648	John Lawrence 1117 Reynolds Ave Greenwood, SC 29646	Good Standing	Domestic	2000-350-C	2000-873	10/27/00
5	Global NAPS South Carolina, Inc. James R. J. Scheltema, Directory of Regulatory Affairs 89 Access Rd, Suite B Norwood, MA 02062	IC T Corporation System 2 Office Park Court, Suite 103 Columbia, SC 29223	Forfeiture	Foreign	2001-503-C	2002-258	04/10/02
6	iBasis Retail, Inc. Ellen Schmidt--Senior Counsel 20 Second Ave Burlington, MA 01803	C T Corporation System 2 Office Park Court, Suite 103 Columbia, SC 29223	Good Standing	Foreign	2009-201-C	2009-667	09/24/09
7	Netlojix Telecom, Inc. Greg Wilson--CFO 7001 Blvd. 26 #323 N. Richland Hills, TX 76180	National Registered Agents, Inc. 2 Office Park Court, Suite 103 Columbia, SC 29223	Reinstatement	Foreign	1999-485-C	2000-463	06/05/00
8	Network US, Inc. dba Affinity One Energy Center 40 Shuman Blvd., Suite 270 Naperville, IL 60563	National Registered Agents, Inc. 2 Office Park Court, Suite 103 Columbia, SC 29223	Forfeiture	Foreign	2001-302-C	2002-218	03/26/02

OUT OF COMPLIANCE RTSC
DOCKET No. 2010-____-C

EXHIBIT A

#	Organization Name	Registered Agent	Secretary of State status	Foreign or Domestic	Docket #	Order #	Date Certificate Issued
9	Nextlink Wireless, Inc. Kelly Faul--Regulatory Officer 13865 Sunrise Valley Drive Herndon, VA 20171	Corporation Service Company 1703 Laurel St. Columbia, SC 29201	Good Standing	Foreign	2006-70-C	2006-369	06/09/06
10	Norstar Telecommunications, LLC Shaun Naghdi--President 10025 Scenic View Road Vienna, VA 22182	TCS Corporate Services, Inc. 2 Office Park Court Columbia, SC 29223	Good Standing	Foreign	2007-283-C	2007-905	12/18/07
11	Telecare, Incorporated Michelle Barnett--Regulatory Officer 444 Lafayette Rd. Noblesville, IN 46060	Corporation Service Company 1703 Laurel St. Columbia, SC 29201	Good Standing	Foreign	1992-320-C	1992-891	10/21/92
12	Telenational Communications, Inc. John Jenkins--Regulatory Officer 5408 N 99th Street Omaha, NE 68134	Incorp Services, Inc. 317 Ruth Vista Lexington, SC 29073	Good Standing	Foreign	2002-266-C	2003-97	02/22/03
13	U.S. South Communications, Inc. Scott Meyerhoff--CFO 250 Williams St., Suite M100 Atlanta GA 30303	Corporation Service Company 1703 Laurel St. Columbia, SC 29201	Good Standing	Foreign	1996-17-C	1996-302	04/25/96
14	Uni-Tel Communications Group, Inc. Bob Blumberg--Regulatory Contact 932 N. Wright Street, Suite 104 Naperville, IL 60563	National Registered Agents, Inc. 2 Office Park Court, Suite 103 Columbia, SC 29223	Good Standing	Foreign	2000-403-C	2001-299	04/05/01
15	Universal Telecom, Inc. Shannon Gray--Regulatory Officer PO Box 679 LaGrange, KY 40031	C T Corporation System 2 Office Park Court, Suite 103 Columbia, SC 29223	Good Standing	Foreign	1999-354-C	1999-886	12/16/99

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. _____

September 29, 2010

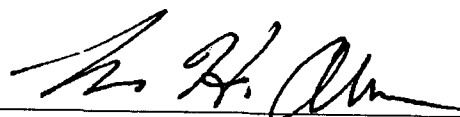
IN RE: Petition of the Office of Regulatory)
Staff for Commission to Order a)
Rule to Show Cause as to Why)
The Certificates of)
Public Convenience and)
Necessity for Certain Providers of)
Telecommunications Services)
Should Not be Revoked)

AFFIDAVIT OF THOMAS H. ALLEN

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Thomas Allen and I am employed by the Office of Regulatory Staff ("ORS") as the Tariff Administrator.
- 2) My office is located at 1401 Main Street, Columbia, South Carolina, 29201.
- 3) I and/or personnel under my direction researched the South Carolina Secretary of State's website in order to determine the corporate status of the business entities listed in Exhibit A of this petition.
- 4) I attest that, to the best of my knowledge, the corporate statuses of the business entities listed in Exhibit A are accurate.

AND FURTHER THE AFFIANT SAYETH NOT.



THOMAS H. ALLEN

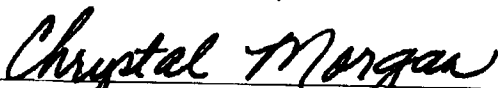
Tariff Administrator

Office of Regulatory Staff

1401 Main Street, Suite 900

Columbia, South Carolina 29201

Sworn and subscribed before me
this 29th day of September, 20 10



Notary Public for South Carolina

My Commission Expires: 9/22/2014

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2010-____-C

IN RE: Petition of the Office of Regulatory Staff for
 Commission to Order a Rule to Show Cause)
 as to Why The Certificates of Public) **CERTIFICATE OF**
 Convenience and Necessity for Certain) **SERVICE**
 Providers of Telecommunications Services)
 Should Not be Revoked)
)

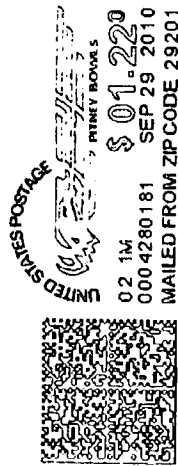
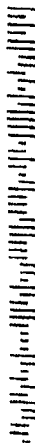
This is to certify that I, Chrystal L. Morgan, have this date served one (1) copy of the **PETITION FOR RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Andiamo Telecom, L.L.C. c/o Business Filings International 2 Office Park Court, Suite 103 Columbia, SC 29223	Ernest Communications, Inc. c/o Corporation Service Company 1703 Laurel St. Columbia, SC 29201
Comcast Business Communications, LLC c/o C T Corporation System 2 Office Park Court, Suite 103 Columbia, SC 29223	Genesis Telecommunications Company, LLC c/o John Lawrence 1117 Reynolds Ave Greenwood, SC 29646
Global NAPS South Carolina, Inc. c/o C T Corporation System 2 Office Park Court, Suite 103 Columbia, SC 29223	iBasis Retail, Inc. c/o C T Corporation System 2 Office Park Court, Suite 103 Columbia, SC 29223
Netlojix Telecom, Inc. c/o National Registered Agents, Inc. 2 Office Park Court, Suite 103 Columbia, SC 29223	Nextlink Wireless, Inc. c/o Corporation Service Company 1703 Laurel St. Columbia, SC 29201
Network US, Inc. dba Affinity c/o National Registered Agents, Inc. 2 Office Park Court, Suite 103 Columbia, SC 29223	Norstar Telecommunications, LLC c/o TCS Corporate Services, Inc. 2 Office Park Court Columbia, SC 29223

Uni-Tel Communications Group, Inc. c/o National Registered Agents, Inc. 2 Office Park Court, Suite 103 Columbia, SC 29223	Telecare, Incorporated c/o Corporation Service Company 1703 Laurel St. Columbia, SC 29201
Universal Telecom, Inc. c/o C T Corporation System 2 Office Park Court, Suite 103 Columbia, SC 29223	Telenational Communications, Inc. c/o Incorp Services, Inc. 317 Ruth Vista Lexington, SC 29073
	U.S. South Communications, Inc. c/o Corporation Service Company 1703 Laurel St. Columbia, SC 29201

Chrystal L. Morgan
Chrystal L. Morgan

September 29, 2010
Columbia, South Carolina



State of South Carolina
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

Ernest Communications, Inc.
c/o Corporation Service Company
1703 Laurel St.
Columbia, SC 29201